

Amendment No. 4 to HB3040

**Dennis
Signature of Sponsor**

AMEND Senate Bill No. 2890*

House Bill No. 3040

By deleting subsection (f) of Section 38-3-124 of SECTION 1 as amended by Amendment # 017198 and substituting instead the following:

(f)

(1) In order to determine whether this section is an effective and efficient tool for law enforcement while at the same time protecting the rights of the accused, this section shall be initially implemented as a pilot project in the counties and municipalities of the twenty-fourth (24th) judicial district, as that district is comprised by § 16-2-506.

(2) Any county or municipality located within the twenty-fourth (24th) judicial district that elects to participate in the pilot project created by this section shall do so by adopting the provisions of this section by a two-thirds (2/3) vote of the legislative body of such county or municipality after consultation with the affected law enforcement agencies and clerks.

(3) By June 1, 2011, the law enforcement agencies and the affected clerks in each county and municipality participating in such pilot project shall compile an assessment report detailing the experience of that agency or clerk's office with the service of subpoena procedure set forth in this section. The assessment shall reach a conclusion concerning whether this procedure should be expanded or concluded and suggest any recommended changes to the procedure based upon the experience of the agency or office.

(4) Any other office, agency or person affected by the subpoena service procedure authorized by this section may file their opinion of the pilot program in writing prior to June 30, 2011.

(5) The assessment report and any written opinions filed pursuant to subdivision (4) shall be filed with the administrative office of the courts by June 30, 2011.